

Morgan Lewis

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February 23, 2023

VIA HAND DELIVERY & CM/ECF

Honorable Gregory B. Williams
844 N. King Street, Room 6124
Wilmington, DE 19801-3555

Re: *Nippon Shinyaku Co. v. Sarepta Therapeutics, Inc.*, C.A. No. 21-1015-GBW

Dear Judge Williams:

Pursuant to paragraph 11 of the Scheduling Order (D.I. 143), Plaintiff/Counter-Defendant Nippon Shinyaku Co., Ltd. and Counter-Defendant NS Pharma (collectively, “Nippon Shinyaku”) and Defendant/Counter-Plaintiff Sarepta Therapeutics, Inc. (“Sarepta”) submit this joint status letter.

Discovery in this matter has been progressing, and the parties anticipate completing fact discovery by the scheduled July 27, 2023 close of fact discovery. To date, the parties have exchanged and responded to various sets of requests for production and interrogatories, and each party reserves the right to continue to serve discovery. *See* D.I. 97-99, 101, 109, 112, 127-28, 133, 135, 139, 145 & 156. The parties substantially completed their document productions by the January 20, 2023 deadline, with additional document productions forthcoming. The parties have also exchanged initial infringement and invalidity contentions (*see* D.I. 114-115, 118-119), with final infringement and invalidity contentions due before the close of fact discovery and after the scheduled claim construction hearing.

The parties have raised discovery deficiencies regarding each other’s document productions to date and are hopeful that at least some of these disputes can be resolved without Court intervention but will follow the Court’s discovery dispute procedures if they are unable to resolve them.

Nippon Shinyaku and Sarepta have each asserted infringement of their patents, and thus the parties will file two joint claim construction briefs on March 20 and will present argument regarding the two sets of claim terms in dispute at the scheduled April 19, 2023 claim construction hearing.

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Respectfully submitted,

/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)

CC: Counsel of Record (via CM/ECF)